



DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-053]

Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2019-2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that exporters of certain aluminum foil (aluminum foil) from the People's Republic of China (China) sold subject merchandise in the United States at prices below normal value during the period of review (POR) April 1, 2019, through March 31, 2020. Additionally, Commerce is rescinding this review with respect to multiple companies. Interested parties are invited to comment on these preliminary results of this review.

DATES: Applicable [Insert Date of Publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich or Michael J. Heaney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1979, or (202) 482-4475, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 2020, Commerce initiated an administrative review of the antidumping duty order on aluminum foil from China,¹ in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). On July 21, 2020, Commerce tolled the deadlines for issuing its

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 34708 (June 8, 2020); see also *Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*: 83 FR 17362 (April 19, 2018) (*Order*).

preliminary results by 60 days.² On February 26, 2021, pursuant to section 751(a)(3)(A) of the Act, Commerce extended the deadline for the preliminary results of this review by 120 days, until June 29, 2021.³

The administrative review covers two mandatory respondents: (1) Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd (collectively, Zhongji);⁴ and (2) Jiangsu Alcha Aluminum Co., Ltd. (Jiangsu Alcha). The administrative review also covers 14 other companies that were not selected for individual examination. For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.⁵ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://enforcement.trade.gov/frn/>.

Scope of the Order

² See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

³ See Memorandum, "Aluminum Foil from the People's Republic of China: Extension of Time Limit Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated February 26, 2021.

⁴ Consistent with the methodology employed in the less-than-fair-value (LTFV) investigation, we have continued to collapse Jiangsu Zhongji Lamination Materials Co., (HK) Ltd. (Zhongji HK), and Jiangsu Zhongji Lamination Materials Co., Ltd. (Jiangsu Zhongji), (collectively, Zhongji) and to treat these companies as a single entity. *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Accompanying Preliminary Decision Memorandum*, 82 FR 50858 (November 2, 2017), and accompanying Preliminary Decision Memorandum at 16-18, unchanged in *Certain Aluminum Foil From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018). We find that record evidence supports treating each of these entities as a collapsed entity in this review. *See* Memorandum, "Zhongji Analysis for the Preliminary Results," dated June 29, 2021.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China; 2018-2019," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

The merchandise covered by the *Order* is aluminum foil from China. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.⁶

Preliminary Determination of No Shipments

Jiangsu Dingsheng New Materials Joint Stock Co., Ltd.; Hangzhou Teemful Aluminum Co., Ltd.; and Hangzhou Five Star Aluminum Co., Ltd. reported that they did not have any exports of subject merchandise during the POR.⁷ To date, we have found no evidence calling into question the no-shipment claims made by these companies; therefore, we preliminarily find that these companies had no shipments of subject merchandise to the United States during the POR. For additional information regarding these preliminary determinations, see the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Section 351.213(d)(1) of Commerce's regulations provides that Commerce will rescind an administrative review, in whole or in part, if all parties that requested a review withdraw their requests for review within 90 days of the publication date of the notice of initiation of the requested review. All parties timely withdrew their requests for administrative review of the following companies: (1) Baotou Alcha Aluminum Co., Ltd.; (2) Granges Aluminum (Shanghai) Co., Ltd.; (3) Guangxi Baise Xinghe Aluminum Industry Co., Ltd.; (4) Hangzhou DingCheng Aluminum Co., Ltd.; (5) Hangzhou Dingsheng Industrial Group Co. Ltd.; (6) Hangzhou Teemful Aluminum Co., Ltd.; (7) Huafon Nikkei Aluminium Corporation; (8) Jiangyin Dolphin Pack Ltd. Co.; (9) Luoyang Longding Aluminium Industries Co., Ltd.; (10) Shandong Yuanrui Metal Material Co., Ltd.; (11) Shantou Wanshun Package Material Stock Co., Ltd.; (12) Suntown Technology Group Corporation Limited; (13) Suzhou Manakin

⁶ See Preliminary Decision Memorandum at 2.

⁷ See Letter from Jiangsu Dingsheng New Materials Joint Stock Co., Ltd "No Shipment Letter for Jiangsu Dingsheng in the Administrative Review of Aluminum Foil from the People's Republic of China," dated July 8, 2020 Letter from Hangzhou Five Star, "No Shipment Letter for Hangzhou Five Star in the Administrative Review of the Antidumping Duty Order on Aluminum Foil from the People's Republic of China," dated July 8, 2020; Letter from Hangzhou Teemful, "No Shipment Letter for Hangzhou Teemful in the Administrative Review of the Antidumping Duty Order on Aluminum Foil from the People's Republic of China," dated July 8, 2020.

Aluminum Processing Technology Co., Ltd.; (14) Walson (HK) Trading Co., Limited; (15) Yantai Donghai Aluminum Foil Co., Ltd.; (16) Yantai Jintai International Trade Co., Ltd.; and (17) Zhejiang Zhongjin Aluminum Industry Co., Ltd.⁸ Therefore, we are rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1). For additional information regarding the rescission of Commerce’s administrative reviews, *see* the Preliminary Decision Memorandum.

Separate Rates

We have preliminarily determined that information placed on the record by the following companies demonstrates that these entities are eligible for a separate rate: (1) Zhongji; (2) Alcha International Holdings Limited; (3) Dingsheng Aluminum Industries (Hong Kong) Trading Co.; (4) Hangzhou Dingsheng Import & Export Co., Ltd.; (5) Hunan Suntown Marketing Limited; (6) Shanghai Huafo Aluminum Corporation; (7) Suntown Technology Group Limited; (8) Xiamen Xiashun Aluminum Foil Co., Ltd, and (9) Yinbang Clad Materials Co., Ltd. (Yinbang Clad).⁹

We have also preliminarily determined that Jiangsu Alcha and SNTD International Group Limited (SNTD) have not demonstrated their eligibility for a separate rate because SNTD did not file a separate application or certification with Commerce, and because Jiangsu Alcha failed to respond to our standard NME antidumping questionnaire. Therefore, we are treating these companies as part of the China-wide entity. Because no party requested a review of the China-wide entity in this review, it is not under review and the entity’s rate (*i.e.*, 105.80 percent) is not subject to change.¹⁰

For additional information regarding Commerce’s preliminary separate rates determinations, *see* the Preliminary Decision Memorandum.

⁸ *See* Petitioner’s Letter, “2nd Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the People’s Republic of China—Petitioner Partial Withdrawal of Review Requests” dated September 8, 2020.

⁹ *See* Preliminary Decision Memorandum at 7-10.

¹⁰ *See Order*, 83 FR at 17363.

Dumping Margins for Separate Rate Companies

The statute and Commerce's regulations do not address what rate to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method" to establish the all-others rate. In this review, we calculated a rate for Zhongji that is not zero, *de minimis*, or based entirely on facts available. Therefore, we have assigned this rate to the companies not selected for individual examination but that are eligible for a separate rate.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices in accordance with section 772 of the Act. Because Commerce has determined that China is a non-market economy country,¹¹ within the meaning of section 771(18) of the Act, Commerce calculated normal value in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum.

¹¹ See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum, "China's Status as a Non-Market Economy," dated October 26, 2017), unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

Preliminary Results of the Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2019 through March 31, 2020:

Exporter	Weighted-Average Dumping Margin (percent)
Jiangsu Zhongji Lamination Materials Co., (HK) Ltd./ Jiangsu Zhongji Lamination Materials Stock Co., Ltd./ Jiangsu Zhongji Lamination Materials Co., Ltd./ Jiangsu Huafeng Aluminum Industry Co., Ltd.	118.99
Alcha International Holdings Limited	118.99
Dingsheng Aluminum Industries Hong Kong Trading Co	118.99
Hangzhou Dingsheng Import & Export Co., Ltd	118.99
Hunan Suntown Marketing Limited	118.99
Shanghai Huafon Aluminum Corporation;	118.99
Suntown Technology Group Limited	118.99
Xiamen Xiashun Aluminum Foil Co., Ltd.	118.99
Yinbang Clad Materials Co., Ltd.	118.99
China-Wide Entity ¹²	105.80

Disclosure and Public Comment

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the *Federal Register* in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review in the *Federal Register*.¹³ Rebuttal briefs may be filed no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.¹⁴ A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.¹⁵

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30

¹² As noted above, the China-Wide Entity is not subject to this review. However, in this review we have preliminarily determined that the following companies under review are now part of the China-Wide Entity: Jiangsu Alcha; SNTD International Group Limited.

¹³ See 19 CFR 351.309(c)(ii).

¹⁴ See 19 CFR 351.309(d).

¹⁵ See 19 CFR 351.309(c)(2), (d)(2).

days after the date of publication of this notice in the *Federal Register*.¹⁶ Requests should contain the party's name, address, and telephone number, the number of individuals from the requesting party's firm that will attend the hearing, and a list of the issues the party intends to discuss at the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.¹⁷ Parties should confirm by telephone the date and time of the hearing two days before the scheduled date of the hearing.

All submissions, with limited exceptions, must be filed electronically using ACCESS.¹⁸ An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date.¹⁹ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.²⁰ Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.²¹ Commerce intends to issue assessment instructions to CBP no earlier than 35 days after date of publication of the final results of this review in the *Federal Register*.

¹⁶ See 19 CFR 351.310(c).

¹⁷ See 19 CFR 351.310(d).

¹⁸ See generally 19 CFR 351.303.

¹⁹ See 19 CFR 351.303 (for general filing requirements); see also *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

²⁰ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

²¹ See 19 CFR 351.212(b)(1).

If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce intends to calculate importer/customer-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).²² Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer/customer and dividing this amount by the total entered value of the merchandise sold to the importer/customer.²³ Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, Commerce will use the per-unit assessment rate where entered values were not reported.²⁴ Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁵

For the respondents that were not selected for individual examination in this administrative review, but which qualified for a separate rate, the assessment rate will be based

²² See *Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

²³ See 19 CFR 351.212(b)(1).

²⁴ *Id.*

²⁵ See *Final Modification*, 77 FR at 8103.

on the weighted-average dumping margin(s) assigned to the respondent(s), as appropriate, in the final results of this review.²⁶

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin for the China-wide entity.²⁷ Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin for the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the normal value exceeds U.S. price. The following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the *Federal Register*, as provided by section 751(a)(2)(C) of the Act: (1) for the exporters listed in the table above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the exporter (except, if the dumping margin is *de minimis* (i.e., less than 0.5 percent), then the cash deposit rate will be zero

²⁶ See *Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014-2015*, 81 FR 29528 (May 12, 2016), and accompanying IDM at 10-11, unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014-2015*, 81 FR 54042 (August 15, 2016).

²⁷ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

for that exporter); (2) for previously investigated or reviewed Chinese and non-Chinese exporters that are not listed in the table above but that have separate rates, the cash deposit rate will continue to be the exporter-specific rate established in the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.*, 105.80 percent)²⁸ and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: June 29, 2021.

Christian Marsh,
Acting Assistant Secretary
for Enforcement and Compliance.

²⁸ See *Order*, 83 FR at 17363.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Partial Rescission of Administrative Review
- V. Preliminary Determination of No Shipments
- VI. Discussion of the Methodology
- VII. Adjustment Under Section 777A(F) of the Act
- VIII. Currency Conversion
- IX. Recommendation

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